

95-10719

Ident. No.

75703

RECEIVED

JUN 19 2009

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

IDWR / NORTH

To appropriate the public waters of the State of Idaho

1. Name of Applicant Michael Gurian Phone 509-624-0627
Mailing address 417 W. 32nd Ave Spokane 99203 Email michaelgurian@comcast.
2. Source of water supply Spirit Lake which is a tributary of Spirit Creek
3. Location of point of diversion is Township 53N Range 04W Sec. 18, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot 4, B.M., Kootenai County County;
additional points of diversion if any: _____
4. Water will be used for the following purposes:

Amount <u>0.04</u> (cfs or acre-feet per year)	for <u>Domestic</u>	purposes from <u>1/1</u> to <u>12/31</u> (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
Amount _____ (cfs or acre-feet per year)	for _____	purposes from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated is (a) 0.04 cubic feet per second and/or (b) _____ acre feet per year
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Pump
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in kW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
53N	04W	18												D					
														L4					

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____

11. a. Who owns the property at the point of diversion? Michael Gurian
- b. Who owns the land to be irrigated or place of use? Michael Gurian
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. PIN - 0 - 0060 - 000 - 015 - A

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Signature of Applicant

Michael Gurian

Print Name (and title, if applicable)

For Department Use:

Received by SP Date 6-19-09 Time _____ Preliminary check by _____

Fee \$ 100⁰⁰ Received by _____ Receipt No. 11020971 Date 6-19-09

95-10719



Legend

-  Application POD
-  Application POU
-  Taxlots

0 75 150 300 450 600 Feet



APPLICATION



0 362.5 725 1,450 2,175 2,900 Feet



Legend

 Taxlots

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 29, 2009 11:28 AM
To: cwashburn@idl.idaho.gov
Subject: Agency Comment Request re WR App 95-10719 - Gurian

Attachments: Agency Comment Request.doc; 95-10719 Gurian.pdf

Good morning, Carl,

Attached is our letter requesting your comments on WR App 95-10719 - Gurian. Copy of application also attached FYI.

Please respond to Eric Davis on this one.



Agency Comment
Request.doc (31...



95-10719
Gurian.pdf (475 KB)

Thanks,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 29, 2009

CARL WASHBURN
IDAHO DEPARTMENT OF LANDS
MICA SUPERVISORY AREA
NAVIGABLE WATER DIVISION
3706 INDUSTRIAL AVE S
COEUR D ALENE ID 83815

Re: Water Permit Application No. 95-10719

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so *after the notice is published* by filing a written protest along with a \$25.00 filing fee within 10 days after final publication, and by sending a copy of your protest to the applicant. This will be scheduled for publication on August 6 and 13, 2009 in the Coeur d'Alene, Press.

We are sending this to you for your comments, and would appreciate receiving your comments by no later than **August 24, 2009**. That is also the final date for protest to be received in our office.

If we do not hear from you by that date, we will assume that no comment from you means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to Eric.Davis@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 29, 2009 11:23 AM
To: mary.terra-berns@idfg.idaho.gov
Subject: Agency Comment Request for WR App 95-10719

Attachments: Agency Comment Request.doc; 95-10719 Gurian.pdf

Hi again,

Another application - letter requesting your comments attached, as well as copy of application for WR 95-10719.



Agency Comment
Request.doc (31...



95-10719
Gurian.pdf (475 KB)

Please respond to Eric Davis on this one.

Thanks, *Dianne Ball*

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 29, 2009

MARY TERRA-BERNS
IDAHO DEPARTMENT OF FISH AND GAME
2885 W KATHLEEN AVE.
COEUR D'ALENE, ID 83815

Re: Water Permit Application No. 95-10719

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced water right application. A copy of the application follows for your reference.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of this application, you may do so *after the notice is published* by filing a written protest along with a \$25.00 filing fee within 10 days after final publication, and by sending a copy of your protest to the applicant. This will be scheduled for publication on August 6 and 13, 2009 in the Coeur d'Alene, Press.

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You may send comments by regular mail to the address above, by FAX to 762-2819, or by e-mail to Eric.Davis@idwr.idaho.gov.

We request that you send a copy of your comments regarding, and/or notice that you intend to protest this application to the applicant as well as to our office.

Please contact this office if you have any questions regarding the application.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

July 29, 2009

GARY SPACKMAN
Interim Director

MICHAEL GURIAN
417 W 32nd AVE
SPOKANE, WA 99203

Application For Permit No. 95-10719

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the COEUR D ALENE PRESS on 8/6/2009 and 8/13/2009. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Davis".

Eric J. Davis
Sr. Water Resource Agent

Enclosure(s) – Receipt No. N020971

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, July 29, 2009 4:11 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kattie Hoy
Subject: Another legal notice to hopefully get scheduled for 8/6 and 8/13

Attachments: CoverLetter 07-29-09 CDA e-mail 95-10671, 679, 687, 704, 706, 719, 725,759.doc;
LegalNotice 07-29-09 CDA e-mail 95-10671,679,687,704,706,719,725,759.doc

Hi, Kattie,

This is the last one to schedule for 8/6 and 8/13. I'm only in the office briefly because my husband is in the hospital and not expected to live but a few more days. Hopefully you can get back to me on this quickly as I may not make it in tomorrow, and if so only briefly.

Thanks for all your wonderful help.

Again - I need the name and e-mail address for the person taking over for you in this position.



CoverLetter
7-29-09 CDA e-mai.



LegalNotice
7-29-09 CDA e-mai.

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

*Please Fax or e-mail proof/preview copy to me before this goes to press.
Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov
Thanks, Dianne*

July 29, 2009

KATTIE HOY
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE, ID 83814

RE: Application For Permit No.: 95-10671, 10679, 10687, 10704, 10706, 10719, 10725 and 10759

Dear Kattie:

Please publish the enclosed legal notice on the dates indicated, August 6 and 13, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 8/24/2009. Your cooperation is very greatly appreciated.

Again – thanks for all your super help. It's been wonderful working with you. Blessings in your new position.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

95-10725

TED D DEPEE

9430 W TWIN LAKES RD

RATHDRUM, ID 83858

Point of Diversion NWSE S36 T53N R05W KOOTENAI County

Source TWIN LAKES tributary to RATHDRUM CREEK

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/29/2009

Place Of Use: DOMESTIC T53N R05W S36 SENE

Domestic use is for 1 home

95-10759

JOHN GIESEN

7124 ENGLISH PT

HAYDEN, ID 83835

Point of Diversion SWNE S3 T52N R03W KOOTENAI County

Source SPRING tributary to SINKS

Use: IRRIGATION 04/01 to 10/31 0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 6/23/2009

Place Of Use: IRRIGATION T53N R03W S34 SESE

Number of acres: 1

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600

Mineral Drive, Suite 100, Coeur D' Alene ID 83815 together with a

protest fee of \$25.00 for each application on or before 8/24/2009.

The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Legal #

Published on 8/6 and 8/13/2009

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-10671

JAMES A GARR

MARIE P GARR

16804 N TRAILS END RD

RATHDRUM, ID 83858

Point of Diversion NWSE S29 T52N R04W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 6/16/2009

Place Of Use: IRRIGATION T52N R04W S29 SENE

Number of acres: 4

95-10679

FRED B BIRDSALL

DARCY K BIRDSALL

27988 N BOHN RD

ATHOL, ID 83801

Point of Diversion NWSW S24 T53N R03W KOOTENAI County

Source GROUND WATER

Use: IRRIGATION 04/01 to 10/31 0.2 CFS

Total Diversion: 0.2 CFS

Date Filed: 6/17/2009

Place Of Use: IRRIGATION T53N R03W S24 SWNW

Number of acres 20

95-10687

JAMES ALLEN

JANET ALLEN

17461 N RIGHT FORK RD

HAUSER LAKE, ID 83854

Point of Diversion NWNE S30 T52N R05W KOOTENAI County

Source SPRING tributary to UNAMED STREAM

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/17/2009

Place Of Use: DOMESTIC T52N R05W S30 NENW

Domestic use is for 1 home.

95-10704

MARY F ANDERSON

24327 N FISH LAKE RD

RATHDRUM, ID 83858

Point of Diversion SESE S36 T53N R05W KOOTENAI County

Source TWIN LAKES tributary to RATHDRUM CREEK

Use: IRRIGATION 03/15 to 11/15 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/23/2009

Place Of Use: IRRIGATION T53N R05W S36 SESE

Number of acres .5

95-10706

BOB WILSON

7875 E HIGHWAY 54

ATHOL, ID 83801

Point of Diversion SWSW S11 T53N R03W KOOTENAI County

Source GROUND WATER

Use: COMMERCIAL 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 6/23/2009

Place Of Use: COMMERCIAL T53N R03W S11 SWSW

Commercial use is for greenhouse.

95-10719

MICHAEL GURIAN

417 W 32nd AVE

SPOKANE, WA 99203

Point of Diversion SESW S18 T53N R04W KOOTENAI County

Source SPIRIT LAKE tributary to SPIRIT CREEK

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/19/2009

Place Of Use: DOMESTIC T53N R04W S18 SWSE

Domestic use is for 1 home.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 2, 2009

MICHAEL GURIAN
417 W 32nd AVE
SPOKANE, WA 99203

Application For Permit No. 95-10719

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application was prepared and was scheduled for publication in the COEUR D ALENE PRESS on August 6 and 13, 2009. There was a computer error in the Place of Use, so we need to publish a Notice of Correction, and it is scheduled for publication on 9/17/2009 and 9/24/2009. Protests to this application may now be submitted for a period ending ten (10) days after the second publication of the Notice of Correction..

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions.

Sincerely,

Eric J. Davis
Sr. Water Resource Agent

Enclosure(s)

Ball, Dianne

From: Ball, Dianne
Sent: Wednesday, September 02, 2009 3:19 PM
To: Legal Notices-CdA Press; Legal Notices-CdAPress - Kelli Buley
Cc: Legal Notices-CdAPress - Kattie Hoy
Attachments: CoverLetter 09-02-09 CDA e-mail 95-10671,679,687,719,725.doc; LegalNotice of Correction 09-02-09 CDA e-mail 95-10671,679,687,719,725.doc

Good afternoon, Kelli,

Attached is our letter requesting publication of a legal Notice of Correction, a copy of the legal notice is also attached.

If you have ANY questions, please call or reply to this e-mail. This is a little different from our usual format, but should be OK for straight copy/paste.

Thanks,

Dianne Ball

Administrative Assistant
Idaho Department of Water Resources
7600 N Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
208-762-2800 Fax 208-762-2819



CoverLetter
9-02-09 CDA e-mai.



LegalNotice of
Correction 09-0...



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

*Please Fax or e-mail proof/preview copy to me before this goes to press.
Fax (208) 762-2819 ~ e-mail dianne.ball@idwr.idaho.gov
Thanks, Dianne*

September 1, 2009

KELLI BULEY
LEGAL NOTICE DEPARTMENT
COEUR D ALENE PRESS
201 N 2ND
COEUR D ALENE, ID 83814

RE: Application For Permit No.: 95-10671, 679,687,719,725

Dear Kelli:

Please publish the enclosed legal Notice of Correction on the dates indicated, September 17 and 24, 2009, (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/5/2009. Your cooperation is greatly appreciated.

Sincerely,

Dianne

Dianne Ball
Administrative Assistant

Enclosure(s)

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN THAT APPLICATIONS FOR PERMITS No.95-10671 in the name of James A & Marie P Garr, 16804 N Trails End Rd in Rathdrum, ID 83858, and No.95-10679 in the name of Fred B or Darcy K Birdsall, 27988 N Bohn Rd, Athol, ID 83801, and No.95-10687 in the name of James & Janet Allen, 17461 N Right Fork Rd, Hauser Lake, ID 83854, and No.95-101719 in the name of Michael Gurian, 417 W 32nd Ave, Spokane, WA 99203, and No.95-10725 in the name of Ted D. DePee, 9430 W Twin Lakes Rd., Rathdrum ID 83858, were incorrectly advertised on August 6 and 13, 2009.

In each case the Place of Use was incorrectly advertised.

Place of Use for Garr, Application No.95-10671 was shown as SENE whereas correctly it should be **NWSE**.

Place of Use for Birdsall, Application No.95-10679 was shown as SWNW whereas correctly it should be **NWSW**.

Place of Use for Allen, Application No.95-10687 was shown as NENW whereas correctly it should be **NWNE**.

Place of Use for Gurian, Application No.95-10719 was shown as SWSE whereas correctly it should be **SESW**.

Place of Use for DePee, Application No.95-10725 was shown as SENE whereas correctly it should be **NWSE**.

(For additional information concerning the property locations, call the Northern Regional Office at 762-2800.)

Any protests against the approval of the above-referenced corrections must be filed with the applicant and with the Director, Dept. of Water Resources, 7600 N Mineral Drive, Suite 100, Coeur d'Alene, Id. 83815, together with a protest fee of \$25.00 on or before October 5, 2009.

GARY SPACKMAN, Interim Director

Legal # _____

Published on Sept.17 & 24, 2009.

SCANNED
10-1-2009